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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,144	07/31/2003	Jason S. Fairbanks	18645	2240

23556 7590 08/16/2005

KIMBERLY-CLARK WORLDWIDE, INC.  
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EXAMINER
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EDWARDS, NEWTON O

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/631,144

Applicant(s)

FAIRBANKS ET AL.

Examiner

N Edwards

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 22-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☒ Claim(s) 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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Applicant's arguments with respect to claims 16-21 in the appeal brief have been considered but are moot in view of the new ground(s) of rejection.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 17, 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Eshima (U.S 3,657,062) alone or in the alternative taken with Textile Dictionary.

Eshima teaches a crimped composite polypropylene fibers (which include side by side and sheath core) comprising two component in which one of the components have 0.5% to about 10% by weight of a carbon black pigment. See column 1, column 2, claim 1, and claim 4.

Eshima further teaches the composite fiber is in a side by side relation or asymmetrical relationship which includes a eccentric sheath core.

The Textile Dictionary is cited to show the term composite fiber includes sheathcore or side-by-side as disclosed in Eshima.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 16, 17, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (U.S. 6,506,873) with Eshima (3,657,062).

Ryan teaches a crimped bicomponent fiber or multicomponent fiber in a eccentric sheath core or side by side configuration (see Fig 4) comprising two polymeric components in which one of the components contain carbon black pigments. See column 14 lines 20-36, Fig 4, column 20 line 28, and column 10 line 16, for example. Ryan further teaches one of the polymeric component can be copolyester at column 26. Ryan is silent to the amount of carbon black in the fiber component.

Eshima teaches it is well known in the art of crimped composite fibers to include 0.5% to about 10% by wt of carbon black pigment in order to influence increase the heat shrinkage (or crimping) of the fiber.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the amount of carbon black pigment, as taught by Eshima, in the fiber as to taught by Ryan, in order to influence (increase) the heat shrinkage (crimping) of the fiber.

Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Primary Examiner Edwards at telephone number 571-272-1521.

  
N. EDWARDS  
PRIMARY EXAMINER